

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LAVERNE WILLIAMS,

Petitioner,

-v-

WILLIAM CONNOLLY, Superintendent, Fishkill  
Correctional Facility et al.,

Respondents.

Case No. 10-CV-3075 (KMK)(GAY)

ORDER ADOPTING  
REPORT & RECOMMENDATION

KENNETH M. KARAS, District Judge:

Laverne Williams ("Petitioner") was convicted in Dutchess County Court of four counts of a Class B Violent Felony of Burglary in the First Degree, in violation of N.Y. Penal Law § 140.30, four counts of a Class B Violent Felony of Robbery in the First Degree, in violation of N.Y. Penal Law § 160.15, and three counts of a Class C Violent Felony of Robbery in the Second Degree, in violation of N.Y. Penal Law § 160.10(1). Petitioner was sentenced as a Second Violent Felony Offender, pursuant to N.Y. Penal Law § 70.04, to determinate terms of fourteen years on each count, to run concurrently.

After unsuccessfully pursuing a direct appeal and other collateral attacks on his conviction, *see, e.g., People v. Williams*, 873 N.Y.S.2d 641 (App. Div.) (affirming conviction on direct appeal), Petitioner filed the instant petition for a Writ of Habeas Corpus ("Petition") pursuant to 28 U.S.C. § 2254, seeking relief on five different grounds also pursued in state court. (Dkt. No. 2.).

The case was referred to the Honorable George A. Yanthis. (Dkt. No. 3.) On July 1, 2013, Magistrate Judge Yanthis issued a Report and Recommendation ("R&R") recommending that this Court dismiss the Petition in its entirety. (Dkt. No. 35.) Petitioner has not filed any

objections to the R&R.<sup>1</sup> When no objections are filed, the Court reviews an R&R on a dispositive motion for clear error. *See Andrews v. LeClaire*, 709 F. Supp. 2d 269, 271 (S.D.N.Y. 2010); *Eisenberg v. New Eng. Motor Freight, Inc.*, 564 F. Supp. 2d 224, 226 (S.D.N.Y. 2008). The Court has reviewed the R&R and the Petition, and finding no substantive error, clear or otherwise, adopts the R&R.

Accordingly, it is hereby

ORDERED that the Report and Recommendation, dated July 1, 2013, is ADOPTED in its entirety. It is further


ORDERED that Petitioner's writ of habeas corpus is DISMISSED with prejudice. It is further

ORDERED that because Petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue, *see* 28 U.S.C. § 2253(c)(2); *Lucidore v. N.Y. State Div. of Parole*, 209 F.3d 107, 111-12 (2d Cir. 2000), and the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Order would not be taken in good faith. It is further

ORDERED that the Clerk of the Court is respectfully directed to close this case.

SO ORDERED.

DATED: White Plains, New York  
September 30, 2013

  
KENNETH M. KARAS  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Magistrate Judge Yanthis provided notice that objections to the R&R were, pursuant to Fed. R. Civ. P. 72(b) and 28 U.S.C. § 636(b)(1), due within seventeen days, and that the failure to object would constitute a waiver of Petitioner's right to appeal. (R&R 18.)

Service List (by mail)

Laverne Williams, *Pro Se*  
02A1964  
Fishkill Correctional Facility  
P.O. Box 1245  
Beacon, New York 12508

Bridget Rahilly Steller, Esq.  
William V. Grady, Esq.  
Office of the Dutchess County District Attorney  
236 Main Street  
Poughkeepsie, New York 12601

Copy To:

Honorable George A. Yanthis  
United States Magistrate Judge